

AB:SK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

DAVID TIRADO,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

DEBRA GERBASI, being duly sworn, deposes and states that she is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

On or about October 29, 2013, within the Eastern District of New York and elsewhere, the defendant DAVID TIRADO did knowingly receive any visual depiction, the production of such visual depiction having involved the use of one or more minors engaging in sexually explicit conduct and such visual depiction was of such conduct, using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

(Title 18, United States Code, Section 2252(a)(2)).

The source of my information and the grounds for my belief are as follows:¹

¹ Because the purpose of this complaint is merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

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U.S. DISTRICT COURT E.D.N.Y.

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LONG ISLAND OFFICE

COMPLAINT

M. No. **13-1023M**
(18 U.S.C. § 2252(a)(2))

1. I have been employed as a Special Agent with the Department of Homeland Security since 2002, and am currently assigned to the Child Exploitation Group (“CEG”). I have gained expertise in the conduct of child pornography and exploitation investigations through training in seminars, classes, and daily work related to conducting these types of investigations, including the execution of multiple search warrants relating to child pornography offenses and the subsequent prosecution of offenders.

2. I am familiar with the information contained in this complaint based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

THE NEW YORK STATE POLICE INVESTIGATION

3. On or about October 29, 2013, a New York State Police Investigator launched a publicly available P2P file-sharing program.² The program is a P2P network used to exchange files between computers. The P2P network, like other P2P file-sharing networks, uses file hashing to uniquely identify files on the network and users typically locate files with keyword searches. A New York State Police Investigator “directly connected” to IP address 72.69.253.233 and successfully downloaded four (4) video files that IP address 72.69.253.233 was making available. Two (2) of the video files which are available for the Court’s review,

² Peer to Peer (also known as “P2P”) is a file sharing program that allows people to exchange documents and files between computers. Many of the software programs are available for free on the Internet. When installed, the P2P program allows the installer to designate certain files to share, generally placed in a “shared folder.” The files located in the “shared folder” are accessible to anyone who uses the same program by simply searching for specific files and downloading the files. P2P software programs are often used to exchange images of child pornography.

are described below:

- a. The video file with a hash value “AJALKEPGQZ3NMOO7FOLXZCSJ3RVS7L2” titled “**(loli y) babyj 00(new) by kidzilla(2)(2).avi**” depicts an adult male engaging in vaginal intercourse with a female child between the age of 3 and 6 years old. The child removes her underwear and the male is penetrating into the child’s vagina with his penis. A sharpie marker is then used to masturbate the child. The adult male then continues sexual and anal intercourse with the child. The successful download of this video was completed on October 29, 2013 at 10:33 EST; and
- b. This video with hash value “VC75ALM3OTCNVVGCKRRHQ3RJWRKIQE2CS” titled “**(pthc) daphne – beautiful 11y blond, hj, bj, anl (~.wmv**” depicts a female child approximately 10-12 years old lying on top of a male engaged in sexual intercourse with an adult male. The female is then engaged in oral sexual explicit activity with the adult male. The successful download of this video was completed on October 29, 2013 at 13:04 EST.

4. The screen name used on the P2P download program was daveo@[P2P].

According to public records it appears that the defendant DAVID TIRADO is residing at an address in Suffolk County, New York (the “RESIDENCE”). Account information obtained from Internet Service Provider Verizon relating to IP address 72.69.253.233 for the relevant dates and times revealed that this IP Address was and is still assigned to the account of “lisette acevedo” and associated with the RESIDENCE.

THE HSI INVESTIGATION

5. Beginning on or about October 29, 2013, I was investigating computers with New York IP addresses that were offering or had been previously sharing child pornography on the Internet. I was looking for offenders actively sharing child pornography within New York State via a publicly available P2P network. Using P2P software and the database described above, I identified IP address 96.246.237.194 also subscribed to the RESIDENCE, as a computer that had been observed connected to the Internet from April 2,

2010 to September 11, 2013, and was reporting to other peers that it was sharing images and/or videos related to child pornography, based upon the Sha-1 values which were known by law enforcement to match previously identified child pornography hash values.

6. Titles of video and image files hosted by a computer at IP address 96.246.237.194 were indicative of child pornography. Based upon Sha-1 value matches, the computer at IP Address 96.246.237.194 was reporting to other peers that the following files (among others) were available for sharing:

a. The video file with a hash value of "YKYJXI2QGYVATSOJPU6VIAFRAZMFFBD" titled "(Pthc 2012!!!) Real Pedo Movies 014.avi" which shows two females, between 10-14 years of age, undressing and getting into a bathtub. The video focuses in on the girl's breast and vaginal areas. The video shows a girl approximately 10-12 years of age masturbating. It then shows the same girl being penetrated in her vagina by an adult male and performing oral sex on the adult male. Next, the video shows two girls, 10-14 years of age, undress each other, then kiss each other's bodies and penetrate one another. This video file was offered for sharing on September 10, 2013 at 20:45 GMT; and

b. The video file with a hash value of "ZXTX5FJXWUSPPPZBQO4NBPHENFU23RN6" titled "New Tara!!! (Pthc 2010) Wow Nice fuck.avi" and shows a close up of an adult prepubescent female performing oral sex on an adult male. The scene cuts to the same naked child sitting on the male's lap face away from the camera. The male has his penis in the child's anus and is thrusting into her. The scene then cuts again to the male reclining on a bed with his legs open and the child performing oral sex on him. The girl then stands up on the bed, turns around and squats on the male's penis. This video has been identified as the series TARA. This video file was offered for sharing on September 10, 2013 at 20:45 GMT;

7. Pursuant to my investigation, it appears that the computer using IP Address 96.246.237.194, was also in use and reporting to peers that it was sharing various child pornography files between approximately April 2, 2010 and as recently as September 11, 2013. It also appears that the RESIDENCE had various other IP addresses in use and reporting to

peers that computer(s) at these IP Addresses were sharing various child pornography files and all those prior IP Addresses were subscribed to the RESIDENCE. For example, IP address 108.29.32.87 shared files between March 20, 2013 and August 28, 2013 and IP Address 72.69.253.233 shared files between September 16, 2013 and November 7, 2013.

8. Account information obtained from Internet Service Provider Verizon relating to IP addresses 96.249.237.194, 72.69.253.233 and 108.29.32.87 for the relevant dates and times, revealed that these IP Addresses were and are still assigned to the account of “lisette acevedo” and associated with the RESIDENCE.

9. On November 21, 2013, Special Agents from the HSI executed a search warrant, issued on November 18, 2013 by Magistrate Judge William D. Wall, at the RESIDENCE.

10. The defendant DAVID TIRADO and others were present at the time when the search warrant was executed. Agents provided a copy of the search warrant to the defendant. The agents also informed the defendant that they were there to execute the search warrant and asked who uses which computers in the home. The defendant identified himself as the user of an Acer Laptop Model KAW60 (Serial Number LXAZP0Y001851080C116) (the “defendant’s laptop”). The agents advised the defendant of his Miranda rights, which he waived in writing.

11. The defendant DAVID TIRADO subsequently advised the agents, in sum and substance and in relevant part, that: (1) he had been actively viewing and downloading videos of child pornography during the past year; (2) he downloaded child pornography from Peer-to-Peer networks using the username “daveo”; (3) he actively searched for child


pornography on Peer-to-Peer networks using the search terms “pthc,” “topanga,” and “teen”;³ and (4) the defendant’s laptop contained videos of child pornography.

12. During the execution of the search warrant on or about November 21, 2013, agents seized, among other items, the laptop of defendant DAVID TIRADO. A preliminary forensic examination of the defendant’s laptop revealed videos of child pornography. Among the videos on the defendant’s laptop were the following video files which are available for review by the Court:

- a. The video file titled “T-112736260-7YO Jenny – Dick-Sucking Compilation – You can tell she REALLY loves to suck grown mens’ Cocks, & she’s REALLY GOOD at it too!! (pthc preteen).mpg” which depicts a prepubescent female engaged in sexually explicit conduct with an adult male. There is also a green rope around her ankles, legs and arms. She has a black rope around her neck. She is blindfolded in the end of the video while performing oral sex on the adult male. This video file was last accessed on November 14, 2013.
- b. The video file titled “Asian 6Yo Sweet Mini.avi” which depicts a prepubescent female approximately 6-8 years of age engaged in oral sexually explicit conduct with an adult male. The male then ejaculates in her mouth. This video file was last accessed on November 11, 2013.

³ Based on my training and experience, these search terms are associated with child pornography.

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WHEREFORE, your deponent respectfully requests that the defendant DAVID
TIRADO be dealt with according to law.



Debra Gerbasi
Special Agent
United States Department of Homeland Security,
Homeland Security Investigations

Sworn to before me this
21st day of November, 2013

THE HONORABLE WILLIAM D. WALL
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK